

1 THE HONORABLE RICHARD A. JONES  
2  
3  
4  
5  
6  
7  
8

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 JOHN D. KNECHT, an unmarried man,  
10  
11 Plaintiff,

vs.

12 FIDELITY NATIONAL TITLE INSURANCE  
13 COMPANY, MORTGAGE ELECTRONIC  
14 REGISTRATION SYSTEMS INC.,  
15 DEUTSCHE BANK NATIONAL TRUST CO.  
16 AS TRUSTEE FOR GSR MORTGAGE LOAN  
17 TRUST 2006-0A1, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2006-  
0A1, AMERICAN HOME MORTGAGE  
SERVICING INC.,

18 Defendants.

NO. 2:12-cv-01575 RAJ

**DECLARATION OF TAMAR  
YELLIN IN SUPPORT OF  
DEFENDANT FIDELITY  
NATIONAL TITLE INSURANCE  
COMPANY'S MOTION FOR  
SUMMARY JUDGMENT**

19 Tamar Yellin declares as follows:

20 1. I am Staff Attorney at Fidelity Default Resolution Network ("FDRN"). FDRN and  
21 defendant Fidelity National Title Insurance Company (Fidelity") are related companies. I am over  
22 the age of 18, competent to testify, and make this Declaration based upon my personal knowledge.

23 2. FDRN manages defaults and foreclosures. Frequently, FDRN or Fidelity is  
24 appointed trustee or successor trustee under a deed of trust. As trustee, FDRN or Fidelity is  
25 sometimes required to initiate and manage nonjudicial foreclosure proceedings.

**DECLARATION OF TAMAR YELLIN - 1**

FIDELITY NATIONAL LAW GROUP  
1200 - 6<sup>TH</sup> AVENUE, SUITE 620  
SEATTLE, WA 98101  
(206) 223-4525

1       3. On September 14, 2010, Deutsche Bank National Trust Company (“Deutsche  
2 Bank”) appointed Fidelity successor trustee to the deed of trust that is the subject of this litigation.  
3 Plaintiff John D. Knecht (“Knecht”) was the grantor of the deed of trust. A copy of the  
4 Appointment of Successor Trustee is attached as Exhibit 4 to the Complaint.  
5

6       4. Attached as *Exhibit 1* is a true and correct copy of the Beneficiary Declaration,  
7 dated September 24, 2010, that was received by Fidelity in connection with the foreclosure of  
8 Knecht’s property (the “2010 Beneficiary Declaration”). The 2010 Beneficiary Declaration was  
9 received by Fidelity in the ordinary course of business in connection with its role as successor  
10 trustee and it was the ordinary course of Fidelity’s business to receive such declarations from the  
11 beneficiaries of deeds of trust.  
12

13       5. Attached as *Exhibit 2* is a true and correct copy of the Beneficiary Declaration,  
14 dated May 14, 2011, that was received by Fidelity in connection with the foreclosure of Knecht’s  
15 property (the “2011 Beneficiary Declaration”). The 2011 Beneficiary Declaration was received by  
16 Fidelity in the ordinary course of business in connection with its role as successor trustee and it was  
17 the ordinary course of Fidelity’s business to receive such declarations from the beneficiaries of  
18 deeds of trust.  
19

20       6. No foreclosure of Knecht’s property is pending at this time.  
21

22       7. Fidelity is aware of the legal requirements under Washington law for foreclosures of  
23 residential property and trustee’s sales. If a new foreclosure of Knecht’s property is initiated,  
24 Fidelity will follow all applicable legal requirements under Washington law for foreclosures of  
25 residential property and trustee’s sales and will a new Notice of Trustee’s Sale. Fidelity will also

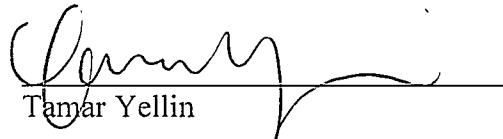
**DECLARATION OF TAMAR YELLIN - 2**

FIDELITY NATIONAL LAW GROUP  
1200 – 6<sup>TH</sup> AVENUE, SUITE 620  
SEATTLE, WA 98101  
(206) 223-4525

1 require a new declaration from the beneficiary confirming that it is the owner of the promissory note  
2 or other obligation secured by the deed of trust.

3 I certify under penalty of perjury under the laws of the State of Washington that the  
4 foregoing is true and correct to the best of my personal knowledge.

5 **EXECUTED** this 26<sup>th</sup> day of March, 2014, at Rancho Cordova, California.

6  
7   
8 Tamar Yellin

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
DECLARATION OF TAMAR YELLIN - 3

FIDELITY NATIONAL LAW GROUP  
1200 - 6<sup>TH</sup> AVENUE, SUITE 620  
SEATTLE, WA 98101  
(206) 223-4525

## **CERTIFICATE OF SERVICE**

I hereby certify that on the date given below I caused to be served the foregoing

**DECLARATION OF TAMAR YELLIN IN SUPPORT OF DEFENDANT FIDELITY  
NATIONAL TITLE INSURANCE COMPANY'S MOTION FOR SUMMARY  
JUDGMENT** on the following individuals in the manner indicated via CM/ECF notifications:

Scott E Stafne  
Stafne Law Firm  
239 N. Olympia Avenue  
Arlington, WA 98223  
*Attorney for Plaintiff*

Frederick B. Rivera  
Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
*Attorney for Defendants*  
***MERS, Inc., Deutsche Bank National Trust  
Co. as Trustee for GSR Mortgage Loan Trust  
2006-0A1, Mortgage Pass-Through  
Certificates, Series 2006-0A1, American Home  
Mortgage Servicing Inc.***

**SIGNED** this 27<sup>th</sup> day of March, 2014.

/s/ Shbien L. Cross  
Shbien L. Cross, Legal Assistant

# **EXHIBIT 1**

**PLEASE COMPLETE AND EXECUTE THE BELOW DECLARATION:**

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that the beneficiary is the owner of the Promissory Note or other obligation secured by the Deed of Trust

Dated: September 24<sup>th</sup> 2010

By: AMERICAN HOME MORTGAGE SERVICING



Kathy Smith

\_\_\_\_\_  
Signature of Mortgagee, Beneficiary or Authorized Agent

# **EXHIBIT 2**

**PLEASE COMPLETE AND EXECUTE THE BELOW DECLARATION:**

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that the beneficiary is the owner of the Promissory Note or other obligation secured by the Deed of Trust

Dated: 5.14.2014

Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2006-0A1, Mortgage Pass-Through Certificates, Series 2006-0A1  
By: AMERICAN HOME MORTGAGE SERVICING, INC.



Signature of Mortgagee, Beneficiary or Authorized Agent  
Daniel Staten  
Vice President